

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON

8/29/2012

Julie A. Richards, Clerk  
US District Court  
Eastern District of NC

United States of America

v.

Virgilio Penaloza

Case No: 5:10-CR-32-1BO

USM No: 52703-056

Date of Original Judgment: January 19, 2011

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_

The offense of conviction did not involve crack cocaine.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated \_\_\_\_\_ shall remain in effect. **IT IS SO ORDERED.**

Order Date:

8-29-12



Judge's signature

Effective Date:

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title